

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHADLY S. BALLARD,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,  
OLIVER BECENTI, JOHNNY ADISON and  
TED TOM, JR.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

8:06V718

ORDER

This matter is before the Court *sua sponte*. Although it appears on the face of the record that the Clerk of Court has entered default against the defendants Oliver Becenti and Ted Tom, Jr., the plaintiff has not applied for entry by default judgment by the Court. **See** Fed. R. Civ. P. 55(b); NECivR 55.1. Accordingly, the Court orders the plaintiff to make application for default judgment or to show good cause, by affidavit filed with the Clerk of the Court, why this action should not be dismissed, such application or showing of good cause to be filed on or before **July 11, 2007**.

In the event the plaintiff fails to timely make such application or showing, it shall be recommended that this action against Oliver Becenti and Ted Tom, Jr. be dismissed for lack of prosecution.

**IT IS SO ORDERED.**

DATED this 26th day of June, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge